

(b) REMARKS

The claims are 1-9 with claims 1 and 8 being independent. The Examiner has required restriction between:

Group I, claims 1-7, drawn to a magnetic recording medium; and

Group II, claims 8 and 9, drawn to a method for manufacturing a magnetic material.

As a reason for justifying restriction the Examiner argues the product, as claimed in Group I, can be made by another and materially different process other than annealing at a temperature equal to or lower than 500°C, as required by Group II. The grounds of restriction are respectfully traversed.

The claims of Group I, drawn to a magnetic material, provide for a CoPt or FePt alloy obtained according to plating. One of copper, nickel or boron is in the alloy in amounts from 1 to 40%.

The claims of Group II are directed to a method for making the magnetic material of claim 1 by depositing a magnetic material of copper, nickel or boron in amounts from 1 to 40% in a copper- or iron-platinum magnetic material. The deposited magnetic material is made a part of the alloy by annealing at a temperature equal to or less than 500°C.

Accordingly, in sum, the magnetic recording medium of claim 1 is a specific alloy formed by plating and contains copper, nickel or boron in a required amount. The claims of Group II form the desired alloy of claim 1 from a plating solution by annealing to convert the material into the alloy.

Under MPEP §806.05(f) a process of making and a product made by the process can be shown to be distinct if the product, as claimed, can be made by another materially different process . It is said that a product defined by a process by which it can be made is a product claim and can be restricted from the process only if the Examiner can demonstrate that the product, as claimed, can be made by another materially different process. Here, the Examiner has not shown that the present claimed product can be made by a materially different process.

The desired product is a specific alloy obtained by plating. The process of Group II requires forming the specific alloy of Group I from a plating solution by annealing to form the alloy. The Examiner has provided no example of any other materially different process by which the claimed alloy can be made by plating.

It is important to note that the product, as claimed, is an alloy obtained by plating. The claims to the present process merely define making the alloy from a plating solution by annealing to convert to the alloy. The Examiner has not shown any other way for obtaining the claimed alloy by plating. Accordingly, the requirement for restriction should be withdrawn.

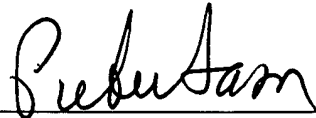
As required, Applicants provisionally elect, with traverse, Group I, claims 1-7, drawn to a magnetic recording medium.

An early and favorable action on the merits is respectfully requested.

In the event the Examiner makes the restriction requirement final, then Applicants request that once the product claims are deemed allowable, that the process claims be rejoined under MPEP §821.04.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Saxon", written over a horizontal line.

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